

Part 7

Cigarette Rolling Machine Operators Act

59-14-701 Title.

This part is known as the "Cigarette Rolling Machine Operators Act."

Enacted by Chapter 148, 2013 General Session

59-14-702 Definitions.

As used in this part:

- (1) "Brand family" is as defined in Section 59-14-601.
- (2) "Tobacco product manufacturer" is as defined in Section 59-14-601.

Enacted by Chapter 148, 2013 General Session

59-14-703 Certification of cigarette rolling machine operators -- Renewal of certification -- Requirements for certification or renewal of certification -- Denial.

- (1) A cigarette rolling machine operator may not perform the following without first obtaining certification from the commission as provided in this part:
 - (a) locate a cigarette rolling machine within this state;
 - (b) make or offer to make a cigarette rolling machine available for use within this state; or
 - (c) offer a cigarette for sale within this state if the cigarette is produced by:
 - (i) the cigarette rolling machine operator; or
 - (ii) another person at the location of the cigarette rolling machine operator's cigarette rolling machine.
- (2) A cigarette rolling machine operator shall renew its certification as provided in this section.
- (3) The commission shall prescribe a form for certifying a cigarette rolling machine operator under this part.
- (4)
 - (a) A cigarette rolling machine operator shall apply to the commission for certification before the cigarette rolling machine operator performs an act described in Subsection (1) within the state for the first time.
 - (b) A cigarette rolling machine operator shall apply to the commission for a renewal of certification on or before the earlier of:
 - (i) December 31 of each year; or
 - (ii) the day on which there is a change in any of the information the cigarette rolling machine operator provides on the form described in Subsection (3).
- (5) To obtain certification or renewal of certification under this section from the commission, a cigarette rolling machine operator shall:
 - (a) identify:
 - (i) the cigarette rolling machine operator's name and address;
 - (ii) the location, make, and brand of the cigarette rolling machine operator's cigarette rolling machine; and
 - (iii) each person from whom the cigarette rolling machine operator will purchase or be provided tobacco products that the cigarette rolling machine operator will use to produce cigarettes; and
 - (b) certify, under penalty of perjury, that:

- (i) the tobacco to be used in the cigarette rolling machine operator's cigarette rolling machine, regardless of the tobacco's label or description, shall be only of a:
 - (A) brand family listed on the commission's directory listing required by Section 59-14-603; and
 - (B) tobacco product manufacturer listed on the commission's directory listing required by Section 59-14-603;
- (ii) the cigarette rolling machine operator shall prohibit another person who uses the cigarette rolling machine operator's cigarette rolling machine from using tobacco, a wrapper, or a cover except for tobacco, a wrapper, or a cover purchased by or provided to the cigarette rolling machine operator from a person identified in accordance with Subsection (5)(a)(iii);
- (iii) the cigarette rolling machine operator holds a current license issued in accordance with this chapter;
- (iv) the cigarettes produced from the cigarette rolling machine shall comply with Title 53, Chapter 7, Part 4, The Reduced Cigarette Ignition Propensity and Firefighter Protection Act;
- (v) the cigarette rolling machine shall be located in a separate and defined area where the cigarette rolling machine operator ensures that a person younger than 19 years of age may not be:
 - (A) present at any time; or
 - (B) permitted to enter at any time; and
- (vi) the cigarette rolling machine operator may not barter, distribute, exchange, offer, or sell cigarettes produced from a cigarette rolling machine in a quantity of less than 20 cigarettes per retail transaction.
- (6) If the commission determines that a cigarette rolling machine operator meets the requirements for certification or renewal of certification under this section, the commission shall grant the certification or renewal of certification.
- (7) If the commission determines that a cigarette rolling machine operator does not meet the requirements for certification or renewal of certification under this section, the commission shall:
 - (a) deny the certification or renewal of certification; and
 - (b) provide the cigarette rolling machine operator the grounds for denial of the certification or renewal of certification in writing.

Enacted by Chapter 148, 2013 General Session

59-14-704 Cigarette rolling machine operator quarterly report to commission.

- (1) A cigarette rolling machine operator shall each quarter report to the commission:
 - (a) the number of cigarettes, by weight, produced from each of the cigarette rolling machine operator's cigarette rolling machines for the previous calendar quarter;
 - (b) the brand family and the tobacco product manufacturer of the brand family of the tobacco the cigarette rolling machine operator purchased or was provided for use by the cigarette rolling machine operator's cigarette rolling machine for the previous calendar quarter;
 - (c) the ounces of tobacco the cigarette rolling machine operator purchased or was provided for use by the cigarette rolling machine operator's cigarette rolling machine for the previous calendar quarter; and
 - (d) each person from whom the cigarette rolling machine operator purchased or was provided tobacco for use by the cigarette rolling machine operator's cigarette rolling machine for the previous calendar quarter.
- (2) A cigarette rolling machine operator shall file the report required by this section on the last day of the month immediately following the last day of the previous calendar quarter.

- (3) The commission shall prescribe the form for the report under this section.

Enacted by Chapter 148, 2013 General Session

59-14-705 Cigarette rolling machine operator shall maintain a secure meter on cigarette rolling machine.

- (1) A cigarette rolling machine operator shall maintain a secure meter on each cigarette rolling machine that the cigarette rolling machine operator controls, leases, owns, possesses, or otherwise has available for use.
- (2) The secure meter described in Subsection (1):
- (a) shall maintain an accurate count of the cigarettes, by weight, dispensed by the cigarette rolling machine;
 - (b) may not be accessed except to take a reading of the secure meter; and
 - (c) may not be reset or otherwise altered.

Enacted by Chapter 148, 2013 General Session

59-14-706 Revocation of certification -- Denial of certification or revocation of certification appeal procedures -- Removal of cigarette rolling machine from premises.

- (1) In addition to the penalties provided under this title, the commission shall revoke the certification of a cigarette rolling machine operator if the cigarette rolling machine operator violates this part.
- (2) The following are subject to review in accordance with Title 63G, Chapter 4, Administrative Procedures Act:
- (a) the commission's denial of certification or denial of renewal of certification under Section 59-14-703; or
 - (b) the commission's revocation of certification under this section.
- (3) If the commission revokes the certification of a cigarette rolling machine operator:
- (a) the commission shall send written notice of the revocation to the cigarette rolling machine operator; and
 - (b) the cigarette rolling machine operator:
 - (i) may not use the cigarette rolling machine or make or offer to make the cigarette rolling machine available for use; and
 - (ii) no later than 10 days after the date the commission sends the written notice described in Subsection (3)(a), shall remove the cigarette rolling machine from the cigarette rolling machine operator's premises.

Enacted by Chapter 148, 2013 General Session

59-14-707 Commission rulemaking authority.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to verify information for purposes of granting or denying a certification or renewal of certification under this part.

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